

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**PHILIP PIDOT, NANCY HAWKINS and  
STEVEN AXELMAN, individually and as  
representatives of eligible Republican Party voters in  
Suffolk, Nassau and Queens Counties within  
New York's Third Congressional District,**

**Plaintiffs,**

**v.**

**16-CV-859  
(FJS/CFH)**

**NEW YORK STATE BOARD OF ELECTIONS;  
SUFFOLK COUNTY BOARD OF ELECTIONS;  
NASSAU COUNTY BOARD OF ELECTIONS;  
BOARD OF ELECTIONS IN THE CITY OF  
NEW YORK; PETER KOSINSKI and DOUGLAS  
KELLNER, in their official capacities as  
Commissioners and Co-Chairs of the New York  
State Board of Elections; ANDREW J. SPANO  
and GREGORY P. PETERSON, in their official  
capacities as Commissioners of the New York  
State Board of Elections; TODD D. VALENTINE  
and ROBERT A. BREHM, in their official  
capacities as Co-Executive Directors of the New  
York State Board of Elections; and JACK  
MARTINS,**

**Defendants.**

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**APPEARANCES**

**OF COUNSEL**

**STROOCK & STROOCK &  
LAVAN LLP**  
180 Maiden Lane  
New York, New York 10038  
Attorneys for Plaintiffs

**JAMES L. BERNARD, ESQ.**

**SCULLIN, Senior Judge**

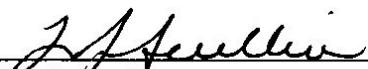
**ORDER**

On July 14, 2016, Plaintiffs commenced this action by filing a complaint. *See* Dkt. No. 1. Plaintiffs also filed a "Notice to Court that Action Involves Challenge to Constitutionality of Federal Statute" pursuant to Rule 5.1(a)(1)(A) of the Federal Rules of Civil Procedure. *See* Dkt. No. 2.

Pursuant to Rule 5.1(b) of the Federal Rules of Civil Procedure and 28 U.S.C. § 2403, the Court hereby

**CERTIFIES** to the Attorney General of the United States that Plaintiffs challenge the constitutionality of the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), 52 U.S.C. § 20302, as amended by the Military and Overseas Voter Empowerment Act ("MOVE Act"), as applied to them. Specifically, Plaintiffs allege that UOCAVA is unconstitutional to the extent that it is construed to limit this Court's power to schedule a vote for the Republican federal primary election for New York's Third Congressional District on a date that would conflict with UOCAVA's requirement, provided for in 52 U.S.C. § 20302(a)(8), that timely requested military and overseas ballots be mailed not later than 45 days before a covered election.

Dated: July 19, 2016  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Judge